

BRAD HOYLMAN  
27TH SENATE DISTRICT



THE SENATE  
STATE OF NEW YORK  
ALBANY

RANKING MINORITY MEMBER:  
CONSUMER PROTECTION  
INVESTIGATIONS &  
GOVERNMENT OPERATIONS  
COMMITTEES:  
CODES  
CRIME VICTIMS, CRIME &  
CORRECTION  
CULTURAL AFFAIRS, TOURISM,  
PARKS & RECREATION  
JUDICIARY

DISTRICT OFFICE  
322 EIGHTH AVENUE, SUITE 1700  
NEW YORK, NEW YORK 10001  
PHONE: (212) 633-8052  
FAX: (212) 633-8096

ALBANY OFFICE  
ROOM 413  
LEGISLATIVE OFFICE BLDG.  
ALBANY, NEW YORK 12247  
PHONE: (518) 455-2451  
FAX: (518) 426-6846

E-MAIL: HOYLMAN@NYSENATE.GOV  
WEBSITE: HOYLMAN.NYSENATE.GOV

February 5, 2014

Hon. Andrew M. Cuomo  
Governor  
State of New York  
Executive Chamber  
Albany, NY 12224

Nirav R. Shah, M.D., M.P.H.  
Commissioner  
New York State Department of Health  
Corning Tower, Empire State Plaza  
Albany, New York 12237

Dear Governor Cuomo and Commissioner Shah:

I am writing to urge you to rescind *N.Y. Comp. Codes R. & Regs. tit. 18, § 505.2(l)*, which excludes care, services, drugs or supplies for the purposes of gender reassignment from Medicaid coverage. This regulation effectively denies low-income transgender New Yorkers from receiving vital transition-related health care.

It's my understanding that the justification for this exclusion, which dates from 1997, is that gender reassignment surgery, treatment and services are not medically necessary. This rationale runs counter to the opinion of leading professional medical organizations including the American Medical Association (AMA), American Academy of Family Physicians, and American Psychological Association, all of which recognize the medical necessity of transition-related health care for many transgender people. Furthermore, Gender Identity Disorder (or GID, also known as Gender Dysphoria) has long been included in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* as a serious medical condition.

Denying transgender patients access to transition-related health care has significant consequences. The AMA, in its 2008 resolution entitled, "Removing Financial Barriers to Care for Transgender Patients," affirmed that "GID, if left untreated, can result in clinically significant psychological distress, dysfunction, debilitating depression and, for some people without access to appropriate medical care and treatment, suicidality and



death." Transgender people whose insurance doesn't cover hormone treatment may seek to self-administer hormones obtained illegally without medical monitoring, putting them at risk for strokes, blood clots, as well as HIV, hepatitis and other conditions transmitted via needle-sharing.

Should New York rescind this regulation, it would join California, which has permitted Medicaid coverage for transgender health care and services since 2001. Moreover, here in New York State, private insurers including Blue Cross Blue Shield, Aetna and Cigna have plans that cover gender reassignment surgery when deemed medically necessary for the patient. Five other states, including Connecticut, require health insurance providers to cover treatments related to gender transition.

I understand cost is a concern. I have attached the State of California Department of Insurance's April 13, 2013 Economic Impact Assessment on Gender Nondiscrimination in Health Insurance, and an August 10, 2007 report prepared by the City and County of San Francisco on its Transgender Health Benefit. Both show the cost of transgender health care coverage is minimal. In fact, in San Francisco, with a population of approximately 800,000, from July 2001 through July 2006, there were 37 claims for transgender health care and the total expended was \$386,417.

I hope you will agree that transgender people receiving Medicaid deserve the same access to essential care as all other eligible New Yorkers. I appreciate your consideration of my request and would welcome the opportunity to discuss this important issue with you. I can be reached at (212) 633-8052.

Sincerely,



Brad Hoylman  
New York State Senator  
27<sup>th</sup> District

Enclosure

cc: Nathan Schaefer, Executive Director, Empire State Pride Agenda  
Pooja Gehi, Director of Litigation & Advocacy, Sylvia Rivera Law Project  
Masen Davis, Executive Director, Transgender Law Center  
Michael Silverman, Executive Director, Transgender Legal Defense & Education Fund  
Sarah Kate Ellis, CEO/President, Gay and Lesbian Alliance Against Defamation  
Charles King, Executive Director, Housing Works  
Joann Prinzi, Founder, New York Transgender Rights Organization  
Pauline Park, Chair, New York Association for Gender Rights Advocacy